IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

Crl.Rev.Pet.No. 578 of 2007

CRA.546/2001 of ADDL. SESSIONS COURT (ADHOC), THALASSERY
CC.333/1999 of JUDL. MAGISTRATE OF FIRST CLASS COURT, THALASSERY

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REVN. PETITIONER: APPELLANT/ACCUSED

P.VIJAYAN, S/O.ACHUTHAN,
AGED 51 YEARS, IRIVERI, CHAKKARAKAL,
KANNUR TALUK, KANNUR DISTRICT.

BY ADV. SRI.B.RADHAKRISHNA PILLAI
SMT.S.AMBIKA DEVI
SRI.P.U.SHAILAJAN
SRI.R.JYOTHI KRISHNAN

RESPONDENTS: COMPLAINANT AND STATE

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1. K.M.SHEIK ABDULLA, MANAGING PARTNER,
LONDON ATTAR STORES, THALASSERY,
KANNUR DISTRICT.

2. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR MR. C.M. KUMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 08/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.578 of 2007

DATED THIS THE 8TH DAY OF FEBRUARY 2007

ORDER

The revision petitioner, who is the accused in C.C.No.333/1999 in the file of the Judicial First Class Magistrate Court, Thalassery with respect to the offence under Section 138 of the Negotiable Instruments Act, stands convicted by both the courts below and sentenced to undergo simple imprisonment for six months and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for one month. Counsel for the revision petitioner has sought for modification of the sentence and submitted that the revision petitioner is ready to pay the amount. In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.12,500/- under Section 357(3)Cr.P.C. and in default to undergo simple imprisonment for one month. The revision petitioner is granted three months time to pay the amount of compensation to the complainant. The accused shall appear before the court below to receive the sentence on 9-5-2007. The Crl.R.P.is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

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